

ATTACHMENT D

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

BAER, LAURENCE 10/21/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
11:1-6	None		
17:13-24	None	18:1-18:1	
20:8-20	None		
21:13-20	None		
23:20-25	None		
25:3-26:9	Relevance; No probative value		
26:11-18	Relevance; No probative value		
27:2-3	Compound; Lack of foundation		
27:5-6	None		
33:2-33:21	Lack of foundation (33:20-21); Vague (33:20-21)		
33:24-34:11	None		
35:1-12	None		
35:13-38:12	Mischaracterizes testimony (38:8-12)		
38:22-39:6	Vague (39:5-6); Mischaracterizes testimony (39:5-6)		
39:8-40:13	Incomplete question & cuts off witness (39:12-13); Mischaracterizes testimony (40:10-13)	If objection overruled, 40:15-40:24	
41:20-42:1	Vague		
42:4-13	Vague (42:7-13)		
42:15-43:23	None		
44:3-11	None		
44:18-46:19	None		
48:13-15	Vague; Lack of foundation		
48:17-50:11	Calls for speculation (50:11-50:11); Lack of foundation (50:11-50:11)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

BAER, LAURENCE 10/21/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
50:14-52:1	Calls for speculation (50:14-51:1)	52:3-52:13	
55:7-57:11	None		
58:5-19	None		
58:23-59:8	Lack of foundation (59:7-8); Assumes facts not in evidence (59:7-8); Vague (59:7-8)		
59:10-60:12	Lack of foundation (59:10-14); Assumes facts not in evidence (59:10-14); Vague (59:10-14)		
60:14-61:10	Lack of personal knowledge; Relevance; No probative value		
61:22-63:19	Lack of personal knowledge; Relevance; No probative value		
64:20-69:14	Lack of foundation (65:12-21); Calls for speculation (65:12-21)		
69:18-20	Lack of foundation; Calls for speculation		
69:22-70:11	Lack of personal knowledge		
74:3-25	Vague (74:11-12); Lack of foundation (74:23-25)		
75:3-25	Vague (75:3-4); Lack of foundation (75:3-4)		
77:1-11	None		
78:22-79:5	Vague (79:4-5); Lack of foundation (79:4-5)		
79:8-80:19	Vague (79:8-8); Lack of foundation (79:8-8)		
81:20-82:5	Lack of foundation (82:3-5)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

BAER, LAURENCE 10/21/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
82:9-19	Lack of foundation (82:16-19); Calls for speculation (82:16-19)		
82:22-83:11	None		
83:14-85:2	None		
85:11-14	None		
85:17-86:5	Assumes facts not in evidence (86:3-5)		
86:9-88:20	Assumes facts not in evidence (86:9-10)		
89:2-6	Calls for speculation		
89:8-8	Calls for speculation		
89:9-14	Lack of foundation; Calls for speculation		
89:16-90:10	Lack of foundation (89:16-17); Calls for speculation (89:16-17)		
91:11-98:8	None		
99:12-100:11	None		
101:14-102:20	Lack of foundation (102:18-20); Calls for speculation (102:18-20)		
102:23-103:16	Lack of foundation (102:23-103:1); Calls for speculation (102:23-103:1)		
104:13-110:20	None		
156:10-11	None		
156:15-19	None		
156:22-157:4	None		
161:18-162:24	Relevance		
163:21-164:9	Relevance		
166:22-167:16	Assumes facts not in evidence (167:13-16)		
167:18-19	Assumes facts not in evidence		
167:22-168:11	None		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

BROSNAN, TIM 12/19/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
6:3-6:14	None		
7:7-7:21	None		
8:6-8:20	None		
9:2-9:21	None		
10:7-11:4	None	11:6-11:12; 11:14-12:17; 74:21-75:05, 75:15-76:12	Beyond the scope: 74:21-75:05, 75:15-76:12
13:18-13:23	None	13:24-14:07	
14:8-14:11	None		
15:4-16:16	None		
18:8-18:13	None		
18:22-19:5	None	19:17-19:22	
20:3-20:5	None		
20:7-20:7	None		
20:9-20:11	None		
20:13-20:24	None		
22:8-22:21	None		
22:23-24:6	None	24:09-24:11, 25:03-25:20	
27:9-28:3	None		
46:17-47:12	None		
47:18-50:8	Lack of personal knowledge (47:18-48:25; 49:02-49:11; 49:12-49:19); Hearsay (47:18-48:25; 49:02-49:11; 49:12-49:19); Lack of foundation (47:18-48:25; 49:02-49:11; 49:12-49:19; 50:02-05); Calls for speculation (47:18-48:25; 49:02-49:11; 49:12-49:19)		
50:10-52:13	None		
52:16-52:24	None		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

BROSNAN, TIM 12/19/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
53:3-53:23	Lack of foundation (53:05-13; 53:14-23); Lack of personal knowledge (53:05-13; 53:14-23); Misstates the testimony (53:14-23); Relevance 53:14-23)		Plaintiffs agree to remove 53:3 to 53:23
54:11-55:13	Lack of personal knowledge (54:11-55:08; 55:09-13); Lack of foundation (54:11-55:08; 55:09-13)		
55:17-56:11	Relevance		
62:14-63:9	None		
63:16-64:7	Relevance		
64:17-65:21	Lack of personal knowledge, Calls for speculation; Hearsay; Lack of foundation		
66:8-66:22	Lack of personal knowledge, Calls for speculation; Hearsay; Lack of foundation		
91:23-92:8	Relevance		
99:14-99:15	None		
100:3-100:15	Relevance		
100:21-101:2	Relevance		
101:15-101:22	None	102:11-20	
104:4-107:5	Relevance		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

BOWMAN, ROBERT 11/6/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
11:14-12:2	None		
14:2-14:6	Relevance		
14:11-14:24	Relevance		
20:10-20:10	Relevance; Lack of personal knowledge; Calls for speculation; Hearsay; Lack of foundation		
20:12-20:19	Relevance; Lack of personal knowledge; Calls for speculation; Hearsay; Lack of foundation		
30:15-30:24	None		
31:2-32:22	None		
32:25-34:9	None		
34:11-35:3	None		
42:4-42:15	Relevance		
55:12-57:19	Lack of personal knowledge; Lack of foundation (55:12-25)		
60:9-60:10	None		
60:12-60:23	None		
60:25-61:2	None		
61:4-61:18	None		
61:20-62:8	None		
62:10-62:15	None		
71:9-72:13	None	70:3-25; 71:4-8	
72:18-72:21	None		
74:14-74:21	None		
74:24-75:13	None		
75:14-75:19	None		
76:5-76:25	None		
77:6-77:15	Lack of personal knowledge	If overruled, 77:20-77:23	77:25-78:3
80:4-80:22	Lack of foundation (80:4-8)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

BOWMAN, ROBERT 11/6/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
91:23-91:24	Improper hypothetical; Calls for speculation		
92:1-92:18	Improper hypothetical (92:2-92:3); Calls for speculation (92:2-92:3)	If overruled, 84:21-86:2; 86:5-8; 86:10-25	
97:5-97:25	None		
99:2-100:10	None		
100:12-101:20	None		
118:19-120:24	Relevance (118:19-120:4)		
151:12-153:13	None		
153:16-153:16	None		
157:4-157:25	None		
157:14-157:25	None		
160:6-161:6	Relevance		
165:20-167:12	Relevance		
167:14-169:19	Relevance		
182:3-184:9	Relevance		
213:11-213:12	Relevance		
213:15-215:7	Relevance; Vague and ambiguous (215:4-215:7)		
215:9-215:9	Relevance; Compound; Vague a ambiguous		
215:11-215:13	Relevance; Compound; Vague and ambiguous		
215:15-216:17	Relevance; (215:15-215:23); Vague and ambiguous (215:15-215:23)		
220:22-220:24	Relevance		
221:4-222:2	Relevance		
222:5-222:6	Relevance		
222:12-222:23	Relevance; Calls for speculation		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

CRUMB, PATRICK 10/25/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
15:8-16:2	No objections		
16:7-16:8; 16:13-17:1	Vague [16:7-8, 16:13-17:1]		
17:10-18:11	No objections		
19:11-20:10	No objections		
20:18-20:23	No objections	20:24-21:6	
22:12-22:19	No objections		
41:11-41:16	No objections		
52:1-52:6	No objections		
54:17-54:18; 54:20-55:20	Vague [54:17-18, 54:20-55:11]		
97:6-97:15; 97:18-98:10; 98:13-98:18	Relevance [all]; Vague [97:14-15, 97:18-98:3]; Lacks Foundation [97:14-15, 97:18-98:3]		
190:1-190:16; 191:7-192:1; 192:15-192:20; 192:22-193:22; 193:25-195:10	Vague [192:20, 193:19-20]; Lacks Foundation [193:19-20]; Calls for Speculation [193:19-20]; Non-responsive [193:25-194:3]; Hearsay [194:22-195:9]		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

DOLGIN, TRACY 11/21/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
17:7-11; 17:12-25	No objection		
30:22-31:23	No objection		
48:18-50:12; 50:15-21	No objection		
52:18-20; 52:23-53:14; 53:15; 53:19-54:3; 54:5-8; 54:11-55:4	No objection	51:14-52:17	
58:21-24; 59:3-8	No objection		
69:7-70:5	No objection		
142:14-146:10	Per the errata, on 143:10 "compared" should be "completed."		
223:3-226:7; 226:11-17; 226:19-227:18; 227:20-23; 227:25-228:4; 228:7-16	No objection		
236:20-24; 237:3-17	No objection	236:10-18	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

DUPUY, ROBERT 11/23/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
8:3-13	None		
10:10-11:19; 11:22-12:24; 13:2-14:8	None	14:9-21	
17:16-19	None		
18:5-19:8; 19:10-18; 19:20-20:2; 20:4-20:11; 20:13-20	Hearsay (19:5-9); Calls for speculation (19:5-9; 19:10-14; 19:16-18; 19:20-23); Lack of personal knowledge (19:5-9; 19:10-14; 19:16-18; 19:20-23)		
21:4-22:7	None		
27:4-7; 27:9-14; 27:16-16	None		
30:16-18; 30:20-31:23; 32:5-5	None	30:2-15	Speaking objection of counsel (30:6-8) is not evidence
32:13-22	None		
33:18-34:7	None	33:15-17; 34:8-13	
34:13-35:3	None	35:4-16	
45:3-17; 45:19-46:2; 46:4-24	Lack of foundation; Lack of personal knowledge		
47:6-48:5	None		
49:3-17; 49:19-50:6	None		
50:21-24; 51:2-25	None		
52:14-53:9	None		
54:19-24; 55:2-57:3	Hearsay; Lack of foundation; Calls for speculation (54:19-24)	57:25-58:4; 58:7-7; 153:17-21; 154:2-19	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

DUPUY, ROBERT 11/23/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
58:8-59:9	None	188:7-188:22; 188:24-189:5; 189:7-189:7; 190:8-190:12; 190:14-190:19; 190:21-190:22	Vague; leading; lacks foundation; calls for speculation
59:20-60:5	None		
61:12-14; 61:16-63:22	None		
65:6-25	None		
67:3-4; 67:6-12; 67:15-68:7; 68:14-69:16; 69:18-70:4; 70:6-24	Hearsay; Lack of foundation; Calls for speculation (67:3-4; 67:6-12); Hearsay; Vague (69:23-70:4); Hearsay; Vague; Lack of foundation (70:6-12)		
71:21-73:3	None		
73:23-76:8	Hearsay; Lack of Personal knowledge; Calls for speculation (73:23-74:10)	189:8-12; 189:14-190:7	Vague; leading; lacks foundation; calls for speculation
81:4-14; 81:17-82:6; 82:8-10; 82:12-83:14; 83:18-85:15	None	85:16-17; 85:19-22	
85:24-86:16	None		
87:15-17; 87:23-88:3	None		
88:8-17; 88:20-90:22	Hearsay; Lack of foundation; Lack of personal knowledge; Assumes facts (88:12-23)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

DUPUY, ROBERT 11/23/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
93:3-6; 93:9-94:6; 94:8-95:25; 96:3-97:21; 97:24-25	Lack of foundation (94:4-20); Hearsay; Calls for speculation; Calls for legal conclusion (95:13-25; 96:3-10); Hearsay; Calls for speculation; Assumes facts (97:8-21)		
98:8-100:4	None		
100:8-10	None	100:11-13	
100:14-18	Hearsay; Calls for speculation; Lack of personal knowledge	100:19-23	
100:24-101:12	Hearsay; Lack of foundation; Lack of personal knowledge	101:13-15	
102:3-103:16	Hearsay; Lack of foundation; Lack of personal knowledge; Calls for speculation; Calls for legal conclusion (102:19-103:16)		
104:4-106:3	Lack of foundation; Assumes facts; Lack of personal knowledge; Compound; Calls for legal conclusion (104:4-14)		
106:18-107:5	Hearsay; Lack of personal knowledge (106:18-107:5)		
108:3-108:25	None	109:11-16; 111:6-112:9	Beyond the scope of the designated testimony

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

DUPUY, ROBERT 11/23/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
142:10-144:20	Relevance (142:10-144:20)	146:3-15; 149:6-13 (only if objection overruled); 162:21-22; 162:24-163:9	
145:8-24	Relevance (145:8-24)		
151:6-8; 151:10-10	None		
152:10-152:18; 152:20-20	Relevance	186:9-14; 186:16-187:4; 187:6-12; 187:14-20; 187:22-188:5	Lacks foundation; vague; leading (186:24-187:4; 187:6-12; 187:14-20; 184:22-188:5)
153:4-153:8	None		
155:4-7; 155:9-19; 155:21-21; 155:23-156:7	None		
163:10-12	None		
166:10-167:5	None		
169:11-170:19	Incomplete Q&A (170:16-19)	170:20-171:19; 171:21-173:4; 173:8-175:10	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

FEENEY, REAGAN 10/17/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
24:5-7; 24:13-23	24:5-7 (Vague)	24:10-12; 26:25-27:5	
29:22-23; 30:1-9; 30:12-18; 30:21-23; 31:2-3; 31:5; 31:8-9; 31:11-13; 31:15-16	29:22-23 (Vague, Lacks Foundation); 30:8-9 (Vague); 30:16-18, 30:23, 31:5, 31:11-12 (Vague, Lacks Foundation, Calls for Speculation)	32:16-17; 32:20-22	
36:17-19	No objections		
54:11-14; 54:21-22	No objections		
55:3-10; 55:13-18	No objections		
55:25-57:13; 57:15-21; 57:23-58:17	All - Relevance 57:13 (Vague)		
79:22-80:2	No objections		
81:1-9	No objections		
81:19-82:6; 82:8-15; 82:23-83:18	82:4-6 (Vague) 82:14-15 (Vague, Lack of Foundation, Calls for Speculation)	82:18-20; 83:19-84:1; 84:4-8	
87:8-87:19	No objections		
88:10-16; 88:21-89:9	All - Relevance	88:17-18	
97:1-2; 97:5-6	97:1-2 (Asked & Answered)	97:15; 97:17-19; 97:21-98:2	
98:3-20; 98:23-99:7; 99:11-21	98:19-20 (Vague, Lack of Foundation, Calls for Legal Conclusion) 99:5-7 (Vague, Calls for Speculation)		
104:10-15	No objections		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

FEENEY, REAGAN 10/17/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
105:14-15; 106:13-107:23	No objections	105:24-25; 106:3-12	
109:3-9; 109:15-18	No objections		
110:24-111:1	No objections	111:2-4	
115:20-117:1	No objections		
117:8-118:4; 118:6-7	118:3-4 (Asked & Answered)		
118:14-118:25; 119:2-11; 119:14-19	119:9-11 (Vague, Lack of Foundation, Assumes Facts Not In Evidence)	119:20-22; 119:24-25; 120:10-13	
127:5-10	No objections		
127:24-129:6; 129:8-130:1; 130:3-10	129:5-6 (Lack of Foundation, Lack of Personal Knowledge, Calls for Speculation) 129:24-130:1 (Vague)		
132:9-134:14	No objections		
135:11-136:15; 136:20-138:1; 138:4-7	No objections		
147:11-148:16; 148:19-149:9; 149:13-15	148:14-16 (Vague, Lacks Foundation) 149:6-9 (Vague, Asked & Answered, Mischaracterizes Testimony)		
152:24-153:15; 153:18-154:1	153:13-15 (Mischaracterizes Document, Calls for Speculation, Lack of Personal Knowledge)		
205:9-18	No objections		
228:23-229:2	No objections		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HENRY, JOHN 2/12/2014			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
18:13–19:6	None		
19:9–20:13	None		
20:17–20:17	None		
29:23–30:21	None		
30:24–30:24	None	28:18-23; 29:7-14; 208:18–209:4	
32:5–32:11	None		
32:13–32:22	None		
32:24–33:7	None	34:5–9; 34:11–16; 34:19–34:19; 35:11–24; 36:10–14; 36:16–19; 37:14–15; 37:19–22; 37:25–38:4	
38:5–38:9	None		
39:8–39:8	None		
46:1–20	None		
46:22–47:15	Relevance, Lack of foundation, Lack of personal knowledge (46:22–25)	If overruled, 43:18–20; 44:1–6; 45:21–25; 49:20–25; 50:3–7; 50:15–51:1; 51:5–9; 51:12–14; 51:20–24; 58:11–13	Plaintiffs agree to remove 46:22-25
57:6–57:8	Lack of foundation; Calls for legal conclusion		
57:10–57:11	Lack of foundation; Calls for legal conclusion		
58:14–58:18	None		
58:20–59:23	None		
61:13–62:9	Lack of foundation; Calls for legal conclusion; Compound; Vague (61:15–16; 61:18–62:9)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HENRY, JOHN 2/12/2014			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
63:16–64:5	Lack of foundation; Calls for legal conclusion; Compound; Vague (63:16–64:1)	201:4–203:20; 203:22–24; 204:2–4; 204:8–205:1; 206:24–208:16; 209:5–7; 209:9–21; 209:23–210:25; 211:2–11; 211:13–212:13;	Beyond the scope of the designated testimony; calls for speculation ; lacks foundation; lacks personal knowledge; improper expert opinion testimony; leading
	Misstates the testimony (64:2–5); Calls for speculation (64:2–5)	212:15–212:15; 212:20–212: 23 (partial beginning at “where..”; 212:25–213:11; 213:13–214:16; 214:18–215:3; 215:7–19; 215:21–216:6; 216:8–14; 216:16–20; 217:1–5; 217:7–11; 217:13–17	
64:9–64:14	Lack of foundation; Calls for speculation; Lack of personal knowledge		
64:17–64:20	Lack of foundation; Calls for speculation; Lack of personal knowledge		
65:1–65:2	None		
65:21–66:19	None		
67:2–67:9	None		
67:13–67:18	Lack of personal knowledge (67:18-18)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HENRY, JOHN 2/12/2014			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
67:21-68:18	Lack of personal knowledge; Calls for speculation (67:21-68:12)		
68:22-69:18	None		
69:21-69:25	None		
70:8-70:10	None		
71:10-72:1	None		
72:11-73:10	Lack of foundation		
73:17-73:21	Lack of foundation		
75:3-75:7	Lack of foundation		
75:11-75:22	Lack of foundation		
76:1-76:7	Lack of foundation		
76:12-76:14	Lack of foundation		
77:18-77:21	Lack of foundation		
78:8-79:6	Lack of foundation		
80:1-80:9	Lack of foundation; Lack of personal knowledge; Calls for speculation		
80:12-80:22	Calls for speculation; Vague		
81:2-81:11	None		
81:14-81:20	None		
81:23-83:4	None		
83:9-83:25	None		
84:3-84:10	None		
84:16-84:24	None		
85:7-85:11	None		
86:4-86:13	None		
89:19-90:13	Lack of foundation	90:24-91:2	
91:10-91:12	Calls for speculation; Lack of personal knowledge		
91:14-92:8	Calls for speculation; Lack of personal knowledge		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HENRY, JOHN 2/12/2014			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
92:15–92:25	Calls for speculation; Lack of personal knowledge		
93:2–93:14	Calls for speculation; Lack of personal knowledge; Improper hypothetical (93:10–14)		
93:19–93:22	Calls for speculation; Lack of personal knowledge; Improper hypothetical		
97:18–98:5	None		
98:8–98:12	Calls for speculation; Lack of foundation		
98:16–99:6	None		
99:13–99:19	None		
99:22–100:1	None		
100:4–100:5	None		
100:10–101:16	Lack of foundation		
101:23–102:10	None		
102:12–102:15	None		
102:20–103:6	Vague (102:23–103:6)		
103:13–103:25	Vague (103:13–20)	205:2–14; 205:16–21; 205:25–206:10; 206:14–18	Lacks foundation; calls for speculation;
104:3–104:9	None		
104:19–105:5	Asked and answered (105:2-5)	134:21–135:2	Beyond the scope of the designated testimony; incomplete
105:14–106:7	Asked and answered; Misstates the testimony (106:3–7)		
106:17–106:24	Asked and answered; Vague (106:20–24)	53:13–16; 53:21–24; 54:5–14; 106:25–107:3; 107:13–19; 108:5–9; 110:25–111:3; 111:10–19	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HENRY, JOHN 2/12/2014			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
111:20–113:6	None		
153:6–153:23	Relevance		
153:25–154:2	Relevance		
154:8–154:19	Relevance		
154:22–154:25	Relevance		
155:4–155:8	Relevance (155:7-8)		
155:12–155:21	Relevance; Calls for speculation		
155:23–156:1	Relevance (155:23–155:23)		
156:3–156:16	Relevance		
156:19–157:1	Relevance		
157:6–157:12	Relevance		
157:16–157:23	Relevance		
158:2–158:7	Relevance		
158:9–159:8	Relevance		
163:22–163:25	None		
164:4–165:2	None		
165:5–165:6	None		
178:20–179:18	None		
179:24–180:12	None		
180:19–182:8	None		
182:14–182:18	None		
182:21–182:21	None		
183:5–183:8	None		
183:10–183:11	None		
183:15–184:1	None		
186:5–186:23	None	186:4–186:4	
187:1–187:3	None		
187:10–188:3	Relevance		
188:6–189:1	Relevance (188:6-21)		
190:3–190:6	None		
190:9–190:18	None		
190:22–191:8	None		
191:13–191:13	None	191:14–192:21; 193:4–8; 193:11–14	Improper speaking objection by counsel (192:4-14) is not evidence
197:16–197:23	None	218:1–21	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HENRY, JOHN 2/12/2014			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
198:4–198:9	None		
198:13–198:13	None		
219:22–221:2	None		
221:4–221:18	None		
221:21–221:23	None		
222:3–222:10	None	222:11–223:4; 223:15-25; 225:2–6; 226:8–18	Improper speaking objection/testimony by counsel (222:11-18) is not evidence
231:10–231:19	None		
231:23–232:8	None		
235:9–235:20	None		
236:1–236:11	None		
236:13–236:13	None		
244:12–244:20	None		
244:25–245:6	None		
245:20–245:24	None		
246:3–246:8	None		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HILGEFORT, SUSANNE 12/7/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
11:22-12:7	Lack of foundation (12:6-12:7)		
12:18-13:20	Lack of foundation (12:18-12:23)		
13:23-14:3	Vague (14:1-14:3)		
14:6-14:9	Vague		
14:12-14:16	Vague		
14:18-15:22	Vague (14:18-14:18); Misstates testimony (15:21-15:22)		
15:25-16:24	Misstates testimony (15:25-16:1); Vague (16:23-16:24)		
17:2-17:6	Vague		
17:9-18:18	Lack of foundation (17:9-17:9)	18:19-18:19	
24:20-24:21	None		
26:16-27:1	None		
27:5-27:7	None		
27:10-27:17	None		
32:15-32:17	Vague; Lack of foundation; Assumes facts		
32:22-32:24	Vague		
33:2-33:2	Vague; Lack of foundation		
35:5-35:6	Vague; Lack of foundation		
35:9-36:4	Vague (35:9-35:12); Lack of foundation (35:9-35:12)		
36:21-36:25	None		
37:3-37:4	None	37:18-37:25	
67:11-67:14	Vague; Lack of foundation; Assumes facts		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HILGEFORT, SUSANNE 12/7/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
67:20-68:1	Vague (67:20-67:23); Lack of foundation (67:20-67:23); Assumes facts (67:20-67:23)		
68:3-68:8	None		
68:10-68:14	None		
68:19-68:23	Vague (68:21-68:23)		
69:1-69:1	Vague		
69:5-69:18	None		
69:21-70:11	None		
70:13-71:5	Vague (70:24-70:25)		
71:7-71:18	Vague (71:7-71:7)		
71:21-72:1	None		
102:16-102:18	None		
102:24-103:14	None		
103:16-103:19	None		
103:21-103:24	None		
104:1-104:3	None		
104:5-104:12	None		
104:5-104:20	None		
104:23-104:24	None		
105:2-105:8	None		
105:11-105:18	None	105:20-105:21	
105:22-105:25	None		
106:1-106:2	Vague		
106:4-106:16	Vague (106:4-106:9)		
106:23-108:9	Vague (108:6-108:9)		
108:11-108:16	Vague (108:11-108:12)		
108:18-108:24	None		
109:1-109:13	Vague; Mischaracterizes document; Lack of foundation; Lack of personal knowledge; No probative value		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HILGEFORT, SUSANNE 12/7/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
109:23-110:3	Vague (109:24-110:3); Lack of foundation (109:24-110:3)		
110:7-110:13	Vague; Lack of foundation; Calls for legal conclusion		
110:17-110:17	Vague; Lack of foundation; Calls for legal conclusion		
112:20-112:22	None		
113:8-113:19	None		
119:18-121:5	None	(starting with "These five") 118:20-119:2	
121:24-121:25	None		
122:3-122:11	None		
122:16-122:23	Relevance (122:16- 122:20); Lack of personal knowledge (122:16-122:20); Vague (122:21-122:23)		
122:25-122:25	None		
123:3-123:5	None		
123:7-123:16	Vague (123:15-123:16)		
123:18-123:25	Vague (123:22-123:25); Asked and answered (123:22-123:25)		
124:3-124:7	Vague (124:6-124:7)		
124:9-125:3	Vague (124:9-124:9); Mischaracterizes testimony (125:2- 125:3)		
125:6-125:23	None		
153:24-154:1	None		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HILGEFORTH, SUSANNE 12/7/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
154:6-155:24	Relevance (155:8-155:20); No probative value (155:8-155:20)		
156:2-156:9	None		
172:2-172:4	Vague		
172:9-172:13	Vague (172:9-172:9)	172:22-172:23; 173:4-173:11; 173:13-174:8	
176:14-176:17	None		
176:23-177:7	Lack of foundation (177:5-177:7); Lack of personal knowledge (177:5-177:7)		
177:10-178:3	Vague; Lack of foundation		
178:5-178:6	Lack of foundation	180:23-181:3	
179:23-180:13	Relevance (180:3-180:5); No probative value (180:3-180:5)		
182:5-182:9	Vague; Lack of foundation		
182:13-182:18	None		
183:8-183:14	None		
183:17-184:25	None		
185:3-185:24	None		
186:2-186:23	Mischaracterizes testimony (186:20-186:23)		
187:7-187:15	Mischaracterizes testimony; Asked and answered		
187:19-187:24	Mischaracterizes testimony (187:19-187:21)		
188:2-188:6	Mischaracterizes testimony		
188:11-189:2	Mischaracterizes testimony (188:25-189:2)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HILGEFORT, SUSANNE 12/7/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
189:5-189:19	Mischaracterizes testimony (189:5-189:5)		
195:18-195:22	Vague; Lack of foundation; Mischaracterizes testimony		
195:25-195:25	Vague; Lack of foundation		
196:3-198:17	Vague (198:15-198:17)	233:8-233:13; 233:19-233:19	vague; mischaracterizes the testimony; leading
198:21-199:3	Lack of foundation; Calls for speculation		
199:6-199:9	Vague; Lack of foundation		
199:11-199:21	Vague; Lack of foundation		
199:25-200:3	Vague; Lack of foundation		
200:6-200:9	Vague		
200:15-200:17	Vague		
200:19-201:6	Vague (200:19-200:23; 201:5-201:6)		
201:8-201:13	Vague; Calls for legal conclusion		
201:16-201:22	Vague; Calls for legal conclusion		
201:24-201:24	None		
202:12-202:22	None		
202:25-203:25	None		
204:3-204:8	Lack of foundation; Calls for speculation		
204:13-204:24	Calls for speculation (204:13-204:15; 204:22-24)		
205:2-205:7	Calls for speculation (205:2-205:2)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HILGEFORT, SUSANNE 12/7/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
205:10-205:12	Lack of foundation (205:10-205:11)	205:14-205:14	
208:3-208:12	None		
208:23-208:25	Mischaracterizes the document (208:23-208:24)		
209:2-209:6	None		
209:9-210:9	Lack of foundation (210:4-210:9); Mischaracterizes testimony (210:4-210:9); mischaracterizes document (210:4-210:9)		
210:19-211:12	Lack of foundation (210:19-210:25) Mischaracterizes testimony and document (210:19-210:25)		
211:15-213:2	Strike (212:12-212:14); Vague (212:24-213:2)		
213:7-213:17	Vague		
213:19-213:23	Vague; Asked and answered; Calls for legal conclusion		
214:1-214:15	Relevance; Strike (214:8-214:9)		
220:10-220:13	Relevance		
220:18-221:2	Lack of foundation (220:24-221:2)		
221:5-221:10	Lack of foundation; Calls for speculation		
221:13-221:14	None		
221:15-221:25	None		
222:3-222:5	Relevance		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

HILGEFORT, SUSANNE 12/7/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
222:6-223:8	None		
223:12-224:16	Lack of foundation; Relevance; No probative value; Calls for speculation		
224:19-224:19	Lack of foundation; Relevance; No probative value		
225:17-226:16	Lack of foundation; Relevance; No probative value		
226:19-228:9	Lack of foundation; Relevance; No probative value		
228:13-228:14	Lack of foundation; Relevance; No probative value		
228:17-229:3	Vague; Lack of foundation; Calls for speculation; Relevance; No probative value		
229:7-229:11	Vague; Lack of foundation; Calls for speculation		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

LEVINE, RANDY 12/19/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
15:15-16:9	None		
25:10-18	Form (25:10-18)	25:24-26:5	
26:6-9	None		
29:13-15	None		
29:20-23	None		
30:07:00	None		
67:17-68:6	Hearsay (67:25-68:3); Form (68:4-6)		
68:9-68:20	Form (68:9-10); Attorney colloquy is not evidence (68:11-20)		
68:22-69:6	Form and no personal knowledge (68:25-69:6)	69:7	
76:5-19	None		
82:1-83:3	Form and hypothetical (82:1-15); Form, relevance and hearsay (82:22-83:3)		
83:6-84:12	Form, relevance and hearsay (83:6-12); Attorney colloquy is not evidence (83:13- 19); Hearsay, relevance (83:20-84:6); Form (84:7-12)		Plaintiffs agree to remove attorney colloquy at 83:13 to 83:19
84:15-85:5	Form (84:15-17); Form, relevance (84:18-85:5)		
85:9-85:19	Form, relevance (85:9- 85:19)		
93:18-94:3	None	93:9-11	
94:7-95:5	Form and calls for speculation (94:22- 95:5)		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

LEVINE, RANDY 12/19/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
95:8-11	Form and calls for speculation (95:8-11)		
96:12-15	Relevance (96:12-15)		
96:17-97:6	Relevance (96:17-20)		
97:9-20	None		
101:24-102:15	No personal knowledge (101:24-102:15)		
107:9-14	Form (107:9-14)		
107:19-108:2	Form (107:19-108:2)		
110:18-111:3	None		
112:6-16	None		
148:21-149:15	Form (149:14-15)		
149:18-20	Vague (149:18-20)	149:21-24	
253:18-254:9	Relevance (253:18-21 through "does the Yankees")		
256:10-257:4	None		
257:13-18	None	268:16-19	Lacks foundation; vague; leading

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

MCFADDEN, DANIEL 12/19/2014			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
18:16-20:20	Relevance; cumulativeness		
21:16-22:3	Relevance; cumulativeness		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

NUTTING, ROBERT 10/28/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
22:24-23:12	None		
29:20-30:22	Relevance; No probative value	If overruled, 68:4-22	
31:6-31:9	None		
40:15-41:25	None	42:1-22	
43:22-44:10	Relevance; No probative value		
47:12-53:10	Hearsay (49:8-14)		
58:8-60:19	None		
62:8-63:7	Lack of personal knowledge (62:8-63:3); Lack of foundation (63:4-7); Calls for speculation (63:4-7); Lack of personal knowledge (63:4-7)		
63:11-64:2	Lack of Foundation; Calls for speculation; Lack of personal knowledge		
64:5-65:6	Lack of foundation (64:5-12); Calls for speculation (64:5-12); Lack of personal knowledge (64:5-12)		
70:17-72:4	Relevance; No probative value; Lack of personal knowledge		
73:6-73:25	None		
74:4-78:15	Misstates the testimony (77:10-14); Lack of foundation (77:10-23);		
80:14-83:24	Lack of foundation	If overruled, 83:25-84:12	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

NUTTING, ROBERT 10/28/2015			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
84:13-86:3	None	86:4-88:18	
96:3-96:22	None		
97:24-100:3	Hearsay; Relevance	If overruled, 101:24-102:25	
109:15-111:11	Lack of foundation; Relevance		
112:14-114:19	None		
116:20-117:3	None		
117:7-118:13	None		
118:15-120:3	None		
132:5-135:5	None		
135:18-136:21	None		
138:4-139:15	None		
140:20-142:1	None		
142:11-143:8	Relevance		

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

TULLY, CHRISTOPHER 11/22/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
15:25–18:14	None		
18:15–20:20	None		
25:8–25:14	None		
42:12–44:8	Relevance (43:8-12; 44:2)		
67:14–71:6	Lack of foundation; Hearsay (68:18-70:17)	If overruled, 71:11–20; 71:22–72:9; 72:12–23	
99:10–99:12	None		
99:14–101:5	None	101:6–22	
113:25–114:3	None		
114:5–114:23	None		
114:25–115:4	Vague and ambiguous, Lack of foundation, Calls for speculation		
115:18–119:16	None		
130:4–131:23	Relevance (130:8)		
137:7–137:18	None		
137:21–138:5	None		
138:8–138:9 (partial ending at “requirement”)	None	138:9–14 (partial beginning at “I will . . .”)	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

WEINBERG, PHILIP ¹ 10/18/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
10:22-25	None		
13:25-15:2	None	13:12-13:24; 17:22-18:6	
26:2-14; 26:17-21; 26:23-25; 27:5-8	Lack of foundation; Lack of personal knowledge; Calls for speculation	25:19-25; 27:25-28:2; 28:5-7; 28:13-20; 64:7-15; 64:18	
76:23-79:20; 79:22-80:18; 80:20-81:2-16	Relevance	81:17-25; 93:6-19	
82:15-16; 82:18-21; 82:24-83:18; 83:21-25; 84:2-12; 84:16-20	Relevance; Calls for speculation (83:2-83:18, 83:21-25; 84:2-12, 84:16-20); Lack of foundation (83:2-83:18, 83:21-25; 84:2-12, 84:16-20)		
85:6-7; 85:10-16; 85:19-25; 86:2-6; 86:9:15	Relevance; Lack of foundation; Vague; Mischaracterizes testimony (86:2-6; 86:9:15)		
87:14-21	None		
88:18-89:16	Relevance	89:17-18; 89:20-90:4; 90:7-10	

Garber v. Office of the Comm'r of Baseball, No. 12-cv-3704 (SAS) (S.D.N.Y.)

Joint Pretrial Order - Attachment D - Plaintiffs' Deposition Designations

December 18, 2015

WEINBERG, PHILIP ¹ 10/18/2013			
Affirmative Designation	Objection(s)	Counter Designation(s)	Objection(s) to Counter Designation(s)
90:19-25; 91:2-15; 91:20-92:5; 92:7-11; 92:17-23	Relevance; Mischaracterizes document (91:5-15; 91:20-92:5); Lack of foundation (92:7-11; 92:17-23); Vague (92:7-11; 92:17-23); Assumes facts not in evidence		

[1] These designations are to the transcript as corrected by the Weinberg Deposition Transcript Correction Sheet, dated January 2, 2014.